

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12456 of 2004

Between:

Peram Venkata Ratnamma, D/o. Venkataiah,
R/o. Ramasamudram Village, Tripuranthakam Mandal,
Prakasam District.

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Markapur, Prakasam District.
- 2 The Mandal Revenue Officer, Tripuranthakam Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Order or Direction more particularly one in the nature of writ of Mandamus, to declare the impugned proceedings bearing Rc.H/1130/2004 dt. 9-7-2004 on the file of the 1st respondent suspending the authorization of the petitioner without issuing any notice and without conducting any sort of enquiry as illegal, arbitrary, unjust and against to the principles of natural justice and consequently set aside the same, and to grant such other relief or relief's as this hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: Smt. K.ARUNA

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER

The petitioner filed this writ petition seeking writ of Mandamus to declare the impugned proceedings dated 09-07-2004 in Rc.H/1130/2004 issued by the Revenue Divisional Officer, Markapur, Prakasam District-first respondent, suspending the authorization of the petitioner without issuing any notice and without conducting any enquiry, as illegal and arbitrary.

By the impugned proceedings dated 09-07-2004, the authorization of the petitioner as fair price shop dealer of Ramasamudram village, Tripuranthakam Mandal, Prakasam District, is suspended basing on the report submitted by the Mandal Revenue officer, Tripuranthakam, stating that the petitioner has been practicing mal practices and is not giving coupons to the cardholders and keeping them with her and not issuing rice to the cardholders, and thereby causing much inconvenience to the card holders.

The learned counsel for the petitioner contends that the impugned order was passed in violation of principles of natural justice since the authorization has been suspended by way of penalty not pending contemplation of enquiry, the same is liable to be set aside. Further, the learned counsel for the petitioner in support of the above contention has relied upon the judgment in *B.VENKATESWARARAO VS. REVENUE DIVISIONAL OFFICER, BHADRACHALAM, KHAMMAM DISTRICT AND ANOTHER*

The learned Government pleader contends that the impugned order do not indicate that the action taken pending contemplation of any inquiry.

Having regard to the fact that the impugned order passed by the first respondent is one passed not pending or in contemplation of any inquiry, but, substantive punishment by way of suspension of the authorization has been imposed. Since the impugned order was passed in violation of the principles of natural justice, the same is not sustainable and is liable to be set aside.

Accordingly, the proceedings dated 09-07-2004 in Rc.H/1130/2004 issued by the Revenue Divisional Officer, Markapur, Prakasam district-first respondent are set

aside. However, this order shall not preclude the Revenue Divisional Officer from taking such appropriate action against the petitioner as may be open to him in accordance with law and after affording petitioner an adequate opportunity of being heard in the matter.

The writ petition is accordingly allowed. No costs.

A.GOPAL REDDY,J

NOTE

Operative portion,

Wire at party's cost.

(B/O)

*TSNR/GHN

TO

1. The Revenue Divisional Officer, Markapur, Prakasam District.
2. The Mandal Revenue Officer, Tripuranthakam Mandal,
Prakasam District.
3. Two C.D copies.